

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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June 8, 2005



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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Restoration Partnership Creates New Terrapin Habitat at Delaware Seashore State Park *Creation of New Nesting Habitat Begins June 8*

Rehoboth Bay diamondback terrapins will have new “digs” to lay their eggs in this year.

In a joint effort between Delaware’s new Corporate Wetlands Restoration Partnership (DCWRP) and the Department of Natural Resources and Environmental Control’s divisions of Fish and Wildlife, Parks and Recreation, and Soil and Water Conservation,



Heaving sand for diamondback terrapins, Conectiv Energy President and COO Bill Spence, DNREC Parks and Recreation Director Charles A. Salkin and DNREC Secretary John A. Hughes perform the ceremonial groundbreaking at Delaware Seashore State Park.



Photos by Lisa Goodman

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Calendar

*For information or registration for park events, please contact individual park offices and the parks website at: www.destateparks.com
A listing of park offices follows the calendar.*

JUNE

9 – Recycling Public Advisory Council meeting, 9:30 a.m. – noon, St. Jones Reserve, 818 Kitts Hummock Rd. Contact Janet Manchester, (302) 739-9403.

14 – Community Involvement Advisory Council meeting, 9:30 – 11:30 a.m., Smyrna Rest Stop conference room, Route 13, Smyrna, Del. Contact Karen Garrison, (302) 739-9000.

15 - Public workshop on proposed total maximum daily loads (TMDLs) for Shellpot Creek and Naamans Creek watersheds, 6 p.m., Mt. Pleasant Elementary School auditorium, 500 Duncan Rd., Wilmington, Del. Contact Hassan Mirsajadi, (302) 739-4590.

11- Weed Out! Volunteer Day, White Clay Creek State Park, 9 a.m. – noon. Contact the park office at (302) 368-6900.

22 – Public hearing on proposed general permit regulations for confined animal feeding operations (CAFOs), 7 p.m., Delaware Department of Agriculture. Contact Peder Hansen, (302) 739-5731.

23 – Public hearing on proposed general permit regulations for confined animal feeding operations (CAFOs), 7 p.m., Gumboro Fire Hall. Contact Peder Hansen, (302) 739-5731.

29 – Source Water Assessment and Protection Program Citizen and Technical Advisory Committee meeting, 9 a.m. – noon, Kent County Administration Complex, Conference Room 220 A&B (2nd Floor), 555 Bay Road, Route 113, Dover. Contact John Barndt or Doug Rambo, (302) 739-4793.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740

White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560

Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540

Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163

Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724

Fort Delaware State Park, (302) 834-7941

Killens Pond State Park, (302) 284-4526

Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

New Terrapin Habitat continued from page 1

tons of sand will be placed at one pilot location near the bay in Delaware Seashore State Park beginning June 8. The hope is that the turtles will come out of the water in search of nesting sites, lay their eggs (and their eggs) on the new nesting habitat and not even be tempted to go anywhere near Route 1.

A groundbreaking to kick off the project was held last month behind the Old Inlet Bait and Tackle Shop on Route One just north of the Indian River Inlet Bridge.

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The idea for creation of terrapin nesting habitat on the bay side of Route 1 was inspired by the need to protect nesting females from vehicle strikes. Although some suitable nesting habitat (open, sandy soils above the high tide line, often with sparse vegetation) exists on the bay side of the highway, many terrapins in search of the perfect nesting site have been attracted to the large, expansive dunes on the east side of the highway.

In an attempt to keep turtles from crossing the road, the Division of Parks and Recreation has been experimenting with different types of fencing. However, while fencing may keep them off the road, it doesn't give the turtles access to enough nesting habitat. Expanding the nesting opportunities on the bay side of Route 1 may help alleviate the real estate problem.

After creating the nesting habitat, the Division of Fish and Wildlife will closely monitor the site by collecting data on site use, predation and nesting success. This site will be compared to other nesting sites in the areas to quantify the success of creating nesting habitat for terrapins.

Breaking new ground to build habitat for diamondback terrapins is DCWRP's first project since its inception less than a year ago.

"This is an example of how we can create more benefits for Delaware's environment through partnering with governmental agencies and allowing available dollars to go farther by pooling our resources," said Bill Spence, president and COO of Conectiv Energy, which chairs DCWRP.

DNREC Secretary John Hughes agreed. "This is important work. Restoration of habitat for the diamondback terrapin is just one way corporate Delaware and DNREC can work together to solve environmental problems. I look forward to partnering on other restoration projects with DCWRP, especially those that enhance Delaware's resources."

Delaware's Corporate Wetlands Restoration Program is part of an innovative national initiative that is bringing together businesses, government agencies, conservation organizations, community groups and academia to restore aquatic habitat. It began in 1999 in Massachusetts and since then a number of state CWRPs have been established, and more are being developed.

In addition to Conectiv Energy and DNREC, members and sponsors of the Delaware program include the U.S. Fish and Wildlife Service, AstraZeneca, Premcor, ERM Consulting, NTH Consulting, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, Coastal America and the National CWRP.

For further information, contact MQ Riding, Conectiv Energy, (302) 451-5528, or Kathleen Jamison, DNREC Public Affairs Office, (302) 739-9902.

About Diamondback Terrapins

- Diamondback terrapins are the only truly estuarine turtle in North America. They are non-migratory and spend their entire lives in bays, creeks, salt marshes, and coves.
- Terrapins produce only about 25-40 eggs per year (and may not nest every year) and do not reach maturity until a minimum of 6 years of age. The low reproductive potential of terrapins indicates that females must reproduce for many years in order for the population to grow or remain stable.
- Although the terrapin is considered an aquatic organism, it depends heavily on the near shore and shoreline habitat to complete its life cycle. Female terrapins must lay their eggs in

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terrestrial environments in open sandy areas to successfully reproduce. These are among the few times that terrapins must exit the water.

- Although little is known about the behavior of very young terrapins, hatchlings and first year turtles have been documented foraging on readily available prey such as arthropods, clams, crabs, and small crustaceans. Juveniles and hatchlings may spend a lot of time on the edge of the marsh following the shoreline searching for food and at high tide entering into grassy, salt marsh areas.
- Much of the natural shoreline around the Inland Bays is excellent terrapin habitat because of the alternating areas of sandy beaches used for nesting and salt or fringe marsh necessary for juvenile feeding and growth. Areas where these two habitats are not found together usually do not support large populations of terrapins.
- Due to the low lying nature of many bay beaches most terrapin nesting occurs in areas that are marginally above the high tide line. In fact, many of these nesting beaches can become inundated during periodic wind driven high tides associated with a hurricane's storm surge. In parts of the Inland Bays, terrapins cross Route One to nest in the sandy dunes on the eastern side of the highway.
- Shoreline stabilization threatens terrapin populations for two reasons. First, it destroys the narrow strip that has suitable sandy material required for nesting as well as high beach elevations necessary for the successful development of terrapin eggs. As a consequence, terrapins will nest in areas that are not sufficiently above the high tide and the developing embryos drown, or they will lay their eggs in higher grassy areas where eggs and hatchlings become entrapped or killed by grasses. Even the use of beach grasses in these areas can result in increased mortality in the upper beach areas in which grasses can entrap eggs in the nest.
- Increased competition for essential terrapin habitat is steadily increasing. Impacts include: loss of nesting habitat, poor recruitment due to limited nest and hatchling predation, beach disturbance, shoreline modifications that eliminate beach strand habitat essential for terrapin breeding, injuries and mortality due to boating and vehicle impacts during both active and inactive periods in their life cycles.
- It is estimated that only two percent of terrapin eggs hatch, owing largely to predation by foxes, skunks, and raccoons, which dig into the nests and consume the eggs and baby terrapins. Survivors emerging from the nest are often eaten by gulls and crows or by herons and predatory fish after entering the water. Traditional intelligent predators increasingly target limited and fragmented nesting areas.
- Traditional nesting areas have been severely and permanently altered by waterfront development.
- Habitat loss is a significant threat to the continued existence of the diamondback terrapin in Delaware. Beach nesting areas are universally and permanently being altered through rip-rapping, bulkheading, and other shoreline stabilizing practices.
- Beach habitat is critical to the continued existence of terrapins. Research indicates that more than 95 percent of breeding females return to a particular area to nest year after year.

James A. Brunswick Jr. Becomes DNREC Community Ombudsman

The Department of Natural Resources and Environmental Control has hired James A. Brunswick Jr. as Community Ombudsman.

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Brunswick comes to the DNREC Community Ombudsman position with a strong educational background and experience as a community liaison. He has an undergraduate degree in sociology from Howard University in Washington, D.C. Brunswick has 25 years experience working with communities. He has served in a variety of governmental and public service organizations in his work as a resource development consultant and in prior positions. He was Director of the Regional Council of Neighborhood Organizations in Philadelphia, Pa. following many years of service as co-director and community specialist for the Delaware Council on Crime and Justice. Prior to that, he was a research assistant for the Delaware Legislature and program director for the Community Action of Greater Wilmington.

The Community Ombudsman position was authorized by SB 33, sponsored by Sen. David McBride. This is the same legislation that established the Community Involvement Advisory Council (CIAC) as a permanent council serving in an advisory capacity to the Secretary of DNREC. Sometimes known as the community-right-to-know legislation, SB 33 was signed into law by Governor Ruth Ann Minner in July 2001. The legislation charged the CIAC to address interactions between the Department and local communities

As Community Ombudsman, Brunswick will work to enhance the flow of information between communities and the Department, enhance community participation, and facilitate dialogue among all stakeholders during the decision making process. The intent of SB 33 is for both the CIAC and the Community Ombudsman work to ensure that no community in the State is disparately affected by environmental impacts. Mr. Brunswick can be reached at (302) 739-9000.

For further information, contact Maria Taylor, Public Affairs Office (302) 739-4506.

DNREC Issues Permits to Premcor for Air Emission Control Equipment

The Department of Natural Resources and Environmental Control issued permits June 2 to the Premcor Refining Group that allow the company to begin the second and final phase of construction for the largest industrial air pollution control project in Delaware's history.

The permits, issued under DNREC's Air Quality programs, clear the way for the company to begin installation of a wet gas scrubber on the fluidized catalytic cracking unit (FCCU) and the construction of an enclosed coke storage and handling facility at the company's Delaware City refinery. The first phase of the project, which was permitted on Nov. 30, 2004, requires the installation of a wet gas scrubber on the refinery's fluidized coking unit (FCU). With both phases completed, the project will result in a reduction of approximately 30,000 tons annually of sulfur dioxide emissions.

The project is the result of the settlement of alleged violations of the Clean Air Act at the Delaware City refinery and others owned by Motiva, which sold the Delaware City facility to Premcor in May 2004.

Premcor is required to carry out the commitments made by Motiva in federal and state consent decrees that were finalized in 2001 and settled the alleged violations. Under the consent decree requirements, Premcor must begin operation of the FCCU scrubber by Dec. 31, 2006. DNREC was obligated under the consent decree to issue permits by May 31, 2005 for Phase II of the project. During the review and development of the draft permit and the public record, numerous regulatory and technical issues were identified. With the exception of a limitation on the amount of coke burned

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in the unit, which the Department has incorporated as a condition in the permit, all other issues have been resolved.

Motiva submitted applications in 2004 seeking permits to construct the pollution control equipment and to make a number of upgrades at the refinery designed to achieve efficiencies in production and improve profitability. The phase II permits were the subject of a public hearing on April 20, 2005.

“The Department has worked diligently to ensure that Premcor begins construction in a timely manner on this critical project,” said DNREC Secretary John A. Hughes. “We are looking forward to working with Premcor toward completion of this project, which is a significant milestone in Delaware’s environmental history and will result in cleaner air for all Delawareans.”

The Secretary’s order is available at <http://www.dnrec.state.de.us/dnrec2000/Admin/SecOrder/>

For further information, contact Ravi Rangan or Bruce Steltzer, Air Quality Management (302) 323-4542 or Maria Taylor, Public Affairs Office (302) 739-9902.

Secretary’s Order Adopts Amended TMDLs for Murderkill River Watershed

On May 12, Department of Natural Resources and Environmental Control Secretary John A. Hughes issued a Secretary’s Order adopting amended Total Maximum Daily Load (TMDL) regulations for the Murderkill River watershed.

The Total Maximum Daily Loads (TMDLs), which are developed in compliance with requirements of the Federal Clean Water Act, establish maximum amounts of pollutants that can be discharged to a body of water from point and non-point sources while maintaining water quality standards.

In December 2001, DNREC adopted a TMDL for the Murderkill River Watershed. Following its adoption, Kent County Levy Court, which owns and operates the Kent County Wastewater Treatment Facility, appealed the TMDL Regulation for the lower Murderkill River. It was appealed to the State Environmental Appeals Board and State Superior Court.

As a result of settlement negotiations, the Department and Kent County agreed to conduct further study of the Murderkill River. Based on the findings of this additional study, which was completed in September 2002, the Department concluded that the 2001 TMDL regulation should be modified.

The proposed amendments were presented to the public during a public workshop on August 12, 2004 and a public hearing on April 7, 2005. Secretary’s Order of May 12, 2005, adopted the proposed amendments.

Although somewhat modified, the Murderkill River TMDL regulation continues to require that nitrogen and phosphorous loads from Kent County Wastewater Treatment Facility be reduced significantly. In addition, it requires that discharge from Harrington Wastewater Treatment Facility be used for spray irrigation instead of stream discharge. Furthermore, the adopted TMDL requires that nonpoint sources of nitrogen and phosphorus in the watershed be reduced by 30 percent and 50 percent, respectively.

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The Secretary's Order is available on the DNREC website at <http://www.dnrec.state.de.us/dnrec2000/Admin/SecOrder/SecOrder2005-W-0025.pdf>

For further information, contact Hassan Mirsajadi, Watershed Assessment (302) 739-4590 or Jennifer Knotts, Public Affairs Office (302) 739-9902.

Soy Biodiesel Introduced at Indian River Marina ***Renewable Fuel Blend Now Available for Marine Craft***

Governor Ruth Ann Minner announced the introduction of a soy biodiesel fuel blend at the Indian River Marina in a special ceremony at the marina last month. Located at the Indian River Inlet on Route 1, north of Bethany Beach, the Indian River Marina will be the first marina in the Mid-Atlantic region to offer soy biodiesel fuel to government and commercial marine fleets, as well as private boat owners. The marina is part of Delaware Seashore State Park, managed by the Delaware Department of Natural Resources and Environmental Control.

In her remarks, Governor Minner praised the continued efforts of Delaware soybean farmers to promote the fuel that's produced from soybeans, Delaware's No. 1 crop. "Soy biodiesel fuel has made significant contributions to improving Delaware's air quality and supporting my Livable Delaware initiative," said Governor Minner. "With a soy biodiesel fuel blend now available at the Indian River Marina, we are one step closer to improving our coastal water quality and preserving the scenic beauty of Delaware's waterways."

"Soy biodiesel fuel is a wonderful addition to our Clean Marina initiative here at the Indian River Marina," said DNREC Secretary John Hughes. "DNREC's marina fleet currently uses soy biodiesel fuel, and we encourage the boating public to join our efforts to improve water quality, reduce pollution, and safeguard our environment."

Soy biodiesel fuel can provide significant environmental benefits to Delaware's marine ecosystems. The fuel is non-toxic and biodegradable and can replace or blend with petroleum diesel with little or no engine modifications. Biodiesel is the only alternative fuel to have successfully completed the rigorous Health Effects Testing Requirements of the federal Clean Air Act amendments.

Charles A. Salkin, director of the Delaware Division of Parks and Recreation, endorses the marina's plan to offer a soy biodiesel blend to recreational and charter boats. "The Indian River Marina is pleased to offer the fuel to the boating public. We are fortunate to have funding and support from the Delaware Soybean Board to make this possible," said Salkin.

In addition to promoting a cleaner boating experience, the new initiative at the marina complements soy biodiesel use elsewhere in Delaware State Parks. "We are using biodiesel for almost all of our maintenance fleet and will soon begin using it for heating public buildings and park residences," Salkin said.



Andy Meanor

Governor Minner "fills er up" with soy biodiesel fuel at Indian River Marina with Department of Agriculture Secretary Michael T. Scuse lending a hand.

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Biodiesel fuel represents the fastest growing renewable fuel in America. Over the past few years, U.S. soybean farmers have funded much of the development of the biodiesel industry, investing millions of dollars to bring biodiesel into commercial success. In January 2005, the Delaware Soybean Board was awarded \$30,571 from the United Soybean Board to fund the introduction of the fuel at the Indian River Marina. These funds included the cost of infrastructure conversions and the educational and promotional materials to support this introduction.

Speaking on behalf of the 1100 soybean farmers in Delaware, Jeffrey Allen, president of the Delaware Soybean Board, thanked Governor Minner for her support of the state's soybean industry. "Governor Minner's leadership has made a tremendous difference in our programs," said Allen. "Our state is on the forefront of soy biodiesel programs that will not only improve our air quality and marine ecosystem, but will decrease our country's dependence on imported oil and support American farmers."

Allen, along with Directors of the Delaware Soybean Board, presented Governor Minner and other state dignitaries with baskets full of soy-based products, including engine oils, cleaners, degreasers, and detergents. The soy-based products are non-toxic, biodegradable, and safe to use in all environments. In his remarks, Allen encouraged Delaware state agencies and the general public to use the environmentally-sound, soy-based products.

Over the past four years, Governor Minner and the Delaware Soybean Board have partnered on Delaware's soy biodiesel initiative. In 2003, the Governor received the national "Trailblazer's Award" from the National Biodiesel Board for her broad-reaching programs to increase the use and availability of the fuel in the state. Under the leadership of Allen, the Board has funded research, education, and promotional programs to encourage public and private fleets, farmers, and the general public to use the fuel.

Currently, State of Delaware and private fleets, including Delaware Electric Cooperative Inc. and Delmarva Power use biodiesel to fuel their diesel trucks and equipment. Biodiesel is now available commercially on-road at 4 public fueling stations in Delaware and from several fuel providers throughout the state. The fuel was evaluated in Delaware school buses and tested as a heating fuel replacement in a school in Middletown. In September 2004, Governor Minner announced plans for Mid-Atlantic Biodiesel to build a biodiesel-manufacturing facility in Clayton. The facility, with a capacity to refine up to 5 million gallons of biodiesel per year, will be the first in the region to manufacture a renewable fuel made from soybeans.

The Delaware Soybean Board is a nine-member organization of soybean producers representing all three counties in Delaware. The Board was organized in 1980 by a group of Delaware soybean growers, who wanted to promote a more profitable soybean industry. The Board administers Delaware's USDA-legislated soybean checkoff program, which is funded by an assessment of 0.5 percent of the market value on the sale of soybeans grown in the state. The Delaware Soybean Board manages half of these funds, while the United Soybean Board, the national board, manages the rest. The Board develops statewide programs in soybean education, promotion, research, and producer communications. Delaware's Board Directors are unpaid.

For more information on the Indian River Marina and the Clean Marina program, contact Gary King, Park Superintendent, Indian River Marina, (302) 227-3071 or gary.king@state.de.us

For more information on biodiesel fuel and the programs of the Delaware Soybean Board and the Department of Agriculture, contact Melanie Rapp, marketing specialist, (302) 698-4522 or 800-282-8685, or by e-mail at Melanie.Rapp@state.de.us

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DNREC Works with Shipping Company To Reduce Air Pollution and Prevent Oil Spills

The Department of Natural Resources and Environmental Control and Maritrans Operating Company have announced an agreement that will result in cleaner air and better prevention of oil spill risks. Maritrans is the only entity permitted by DNREC to conduct lightering of oil tankers in the Delaware Bay. The lightering operations help prevent oil spills by transferring oil to smaller tankers and barges from large deep-draft sea-going tankers, which could risk damage from submerged objects.

Because lightering results in air emissions of volatile organic compounds, which contribute to smog, Maritrans has pioneered a technology called “vapor balancing” to capture and recover the VOCs before they can pollute the air. The process is similar – but on a much larger scale – to the vapor recovery technology used when drivers put gas in their cars.

“This is a real ‘win-win’ for the environment and for Maritrans. This is the way we like to do business, coming to an agreement with a company that is good for clean air, clear water and maintains the company’s vital operations,” said James D. Werner, director of DNREC’s Division of Air and Waste Management, who headed the state’s negotiating team.

Under the agreement, Maritrans will be able to conduct additional lightering to allow ships to ride higher in the water while traveling up the Delaware River, while using its vapor balancing technology. Maritrans has also agreed to convert its fleet to 60 percent vapor balancing in three years, and 100 percent vapor balancing in five years.

The agreement was finalized by Department of Natural Resources and Environmental Control Secretary John A. Hughes, who issued a Notice of Conciliation and Secretary’s Order to Maritrans for violations of Delaware’s air pollution control regulations and the company’s operational permit limits during lightering operations in April and May of this year.

The order includes actions to be taken by Maritrans that will allow lightering operations to proceed safely in a way that reduces air emissions in the long run while addressing the immediate need to continue operations in a way that helps prevent oil spills. One requirement is for the company not to exceed its 12-month total limit of 100 million barrels by more than 1.3 million barrels during April, May, June, July and August of 2005. In addition, it will be required to convert to 60 percent vapor recovery operations capability within three years, complete the conversion to 100 percent vapor recovery operations capability within five years, and, in the meantime, maximize the use of vapor balancing with available technology.

Maritrans conducts lightering operations in the Delaware River, operating out of Big Stone Anchorage in the Delaware Bay in Sussex County. The facility is a major source of volatile organic compounds and hazardous air pollutants. The emissions come from lightering operations involving off-loading crude oil and/or No. 6 fuel oil from ocean-going tankers into barges that transport to refineries located on the Delaware River.

In April, the company asked DNREC for a temporary permit modification to allow it to lighter 120 million barrels of crude oil per year based on a 12-month rolling total. The request was based on increased demand for lightering operations following the Athos I oil spill, which has made ship operators more cautious about maintaining safe distances between tank hulls and the river bottom. While DNREC did not agree to the temporary permit modification, it did provide some

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temporary relief concerning the April and May issues. With increased demand for lightering continuing, there are ongoing concerns about Maritrans' ability to comply with the permit in the future.

The company has 30 days to request a public hearing.

For further information, contact James D. Werner, director, Air and Waste Management, (302) 739-9400 or Nancy Terranova, Air Quality Management, (302) 739-4791.

Secretary Issues Permit Renewal and Modification Order for Clean Earth of New Castle

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued an order renewing the Resource Recovery Permit issued to Clean Earth of New Castle Inc.

A public hearing was held Dec. 9, 2003, for the renewal of the permit to treat petroleum contaminated soil and for a permit modification to allow the addition of Non-Hazardous Residual Material in the Soil Treatment Process. The order approves the permit renewal and modification.

The permit capacity will not change from 360,000 tons of soil processed annually. The permit will be issued consistent with the application and other information in the record, and will contain conditions necessary to protect the environment.

Any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board by June 20, 2005.

For further information, contact Jim Short, Division of Air and Waste Management (302) 739-9403.

DNREC Issues Notice of Conciliation Order to Homeowner for Septic Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Conciliation and Secretary's Order to Michael Miao of Claymont, Del. for violations of Delaware's laws and regulations governing septic discharges.

Miao owns residential property located on Silverside Road in Claymont. The septic system located on the property has been failing since May 2003. An Environmental Protection Officer recently cited Miao for discharging septic effluent from his property.

In the Conciliation Order, Miao is cited for seven violations of State law and regulations including: discharging a pollutant into surface or ground water; discharging untreated wastewater or septic tank effluent directly onto the ground surface or into surface waters of the State; not adequately operating a wastewater system, creating a public health hazard and/or causing water pollution.

The Notice of Conciliation and Order directs Miao to complete the following:

1. Employ the services of a Class F Liquid Waste hauler licensee to pump out the system on a continuous basis to prevent surface discharge;
2. Submit a written record of all pump-out receipts to the Department on a weekly basis until a replacement treatment and disposal system is in place;
3. Within 30 days from receiving the Order, employ the services of a Class B or Class C

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System Designer to complete the construction and operation permit application for a replacement on-site wastewater treatment and disposal system that will adequately service the property;

4. Within 45 days from permit issuance, employ the services of a Class E System Contractor to complete construction and installation of a replacement wastewater treatment and disposal system

The Department will closely monitor the failing system and progress of the new system installation.

Miao has 30 days to request a public hearing.

For further information, contact Jay Thompson, Ground Water Discharges Section, Division of Water Resources, (302) 739-9948.

Recycling Public Advisory Council Set To Meet June 9 in Dover

The Recycling Public Advisory Council will meet from 9:30 a.m. to noon Thursday, June 9 at the St. Jones Reserve in Dover. The Reserve is located at 818 Kitts Hummock Road.

The purpose of the meeting is to discuss draft legislation encompassing Governor Ruth Ann Minner's recycling proposal presented at the council's May 25 meeting.

The Recycling Public Advisory Council was created by Executive Order No. 82 in September 2000 and charged with advising the Department of Natural Resources and Environmental Control and the Delaware Solid Waste Authority on all aspects of recycling, including development of grant criteria and selection of applications; a methodology for measuring recycling rates; and possible outreach activities designed to achieve greater recycling rates.

Members of the council are: Paul Wilkinson, Delaware Environmental Alliance for Senior Involvement (DeEASI); Patricia Todd, League of Women Voters; Pasquale Canzano, chief operating officer, DSWA; Richard Cecil, Delaware Association of Counties; James Werner, director, DNREC Division of Air and Waste Management; Robert Propes, Delaware Economic Development Office; Paul Bickhart, Recycling Express of Delaware; Steve Masterson, Waste Management of Delaware; and George Wright, executive director, League of Local Governments

For further information, or for directions, contact Janet Manchester, DNREC Solid and Hazardous Waste Management Branch, (302) 739-9403.

Community Involvement Advisory Committee to Meet June 14

The Community Involvement Advisory Council (CIAC) will meet 9:30 to 11:30 a.m. Tuesday, June 14 at the Smyrna Rest Stop Conference Room, Route 13, Smyrna, Del.

The agenda will include the following:

- Introduction of new Community Ombudsman
- Community Environmental Project Fund
 - Penalty Account update
 - Review of CEPF Guidelines
- 2005 Meeting dates and locations

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- Public comments/Open Forum

The CIAC was established as a permanent council serving in an advisory capacity to the Secretary of DNREC pursuant to Senate Bill 33. Sometimes known as the community-right-to-know legislation, SB 33 was signed into law by Governor Ruth Ann Minner in July 2001. The legislation charged the CIAC with handling interactions between the Department and local communities and working to ensure that no community in the State is disparately affected by environmental impacts. In addition to establishing the CIAC, SB 33 established a Community Ombudsman position and mandated the environmental release notification system, which has been in operation since April 2002.

For information concerning the meeting, please contact Karen Garrison, Office of the Secretary, (302) 739-9000.

Public Workshop on Proposed TMDLs for Shellpot Creek and Naamans Creek Watersheds Set for June 15 in Wilmington

The Department of Natural Resources and Environmental Control will hold a public workshop on proposed total maximum daily loads (TMDLs) for nutrients, dissolved oxygen and bacteria for the Shellpot Creek and Naamans Creek watersheds at 6 p.m. Wednesday, June 15 at the Mt. Pleasant Elementary School auditorium, 500 Duncan Road, Wilmington, Del.

To ensure that the water quality of both creeks is protected, the department has placed these waters on the state's 303(d) list of impaired waters. Proposed TMDLs are developed in compliance with Federal Clean Water Act requirements and establish maximum amounts of pollutants that can be discharged to water bodies from point (direct) and nonpoint (indirect) sources while maintaining water quality standards.

Water quality monitoring performed by the department has shown that some segments of Shellpot Creek are impaired by high levels of the nutrients nitrogen and phosphorous, oxygen consuming compounds and bacteria. Some segments of Naamans Creek are similarly threatened by nutrients and low dissolved oxygen, and impaired by high bacteria levels.

The proposed TMDLs call for a 35 percent reduction of nonpoint source nutrient loads for both nitrogen and phosphorous from an area south of Business Route 13 in the Shellpot Creek watershed. For the remaining portions of the Shellpot Creek watershed and the entire Naamans Creek watershed, the proposed TMDLs require that nonpoint source nitrogen and phosphorous loads be capped at their current levels. The proposed TMDLs also call for overall reductions in bacteria loading of 77 percent in the Shellpot Creek watershed and 78 percent in the Naamans Creek watershed.

Copies of the draft regulations and supporting documents are available on the department's website at <http://www.dnrec.state.de.us/water2000/Sections/Watershed/TMDL/tmdlinfo.htm> or by request. Comments, questions and suggestions may be presented either orally or in writing prior to or at the workshop. Please submit written materials (preferably by email) to Hassan.mirsajadi@state.de.us; or by regular mail or facsimile to: Hassan Mirsajadi, Watershed Assessment Section, Department of Natural Resources and Environmental Control, Silver Lake Plaza-Suite 220, 820 Silver Lake Boulevard, Dover, DE 19904-2464, fax: (302) 739-6140.

For further information, contact Hassan Mirsajadi, Watershed Assessment Section, (302) 739-4590.

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DNREC Urges Safe Boating Every Day

The Department of Natural Resources and Environmental Control's Division of Fish and Wildlife reminds recreational boaters to put safety first throughout the summer.

Chief James H. Graybeal of DNREC's Division of Fish and Wildlife Enforcement offers the following advice for holidays as well as all summer long: "Wear your lifejacket, stay sober behind the helm and know our boating laws while enjoying Delaware's waterways."

Currently over 70 million Americans enjoy boating and combined spend 500 million days on our nation's waterways each year. There are over 13 million recreational vessels registered in the United States, including over 51,000 registered in Delaware.

During ceremonies for National Boating Week (May 21-27) held recently, Governor Ruth Ann Minner reiterated the theme for this year's boating safety campaign, "Boat Smart, Boat Safe. Wear It!"

The theme emphasizes the importance of life jackets for all boaters. On average, 700 people die each year in boating-related accidents in the U.S. and 8 out of 10 victims were not wearing a life jacket. A majority of these fatalities could be avoided if boaters would wear life jackets. New life jackets are more attractive and more comfortable.

Here are five good reasons to wear a life jacket:

- Life Jackets Save Lives!
- New inflatable life jackets are lightweight and comfortable.
- Wearing life jackets sets a good example for your children, grandchildren or young passengers.
- In cold water, life jackets can help protect you from hypothermia.
- If injured, unconscious victims without life jackets will be submerged while those wearing life jackets will be able to stay above water.

For further information, contact Chief James Graybeal, Division of Fish and Wildlife (302) 739-9913.

Bicycles, Fencing and Coconuts Found During Inland Bays Cleanup

Delaware's Inland Bays are cleaner thanks to the 75 volunteers who participated in the first Inland Bays Cleanup. The cleanup took place 9 a.m. to 3 p.m. Saturday, May 21. A large construction dumpster was filled with debris collected along the shores of the bays. Some of the more interesting items collected were bicycles, fencing, doors and two coconuts!

"The success of this program was due to the cooperation of corporate and public agencies and concerned citizens donating their time," said Captain James Passwaters, Division of Fish and Wildlife Enforcement Officer. "We look forward to holding it again in 2006."

The Division of Fish and Wildlife was responsible for organizing the event, recruiting volunteers and distributing supplies. Other sponsors of the cleanup are NKS Distributors, Senator George Bunting, Representative Gerald Hocker, Representative John Atkins, Sussex Landscaping, Shorts Marine, Full Tilt Marine, Blue Hen Disposal, Towboat US, Waste Management of Delmarva, Bobs Marine, Envirotech Environmental Consulting, Hockers Supercenter, Dewey Beach Lions Club,

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Pepsi of Delmarva and the Center for the Inland Bays.

Volunteer groups included the Department of Corrections, Dover Air Force Base, Cape Henlopen ROTC, Indian River ROTC, Sussex Central High School and many concerned citizens.

For further information, contact Captain James Passwaters, Division of Fish and Wildlife Enforcement (302) 856-5644.

Division of Air and Waste Management Enforcement Officers Handled 1,209 Complaints January-April 2005

The Department of Natural Resources and Environmental Control's Enforcement Section in the Division of Air and Waste Management handled 1,209 complaints (including 172 environmental spills) and 94 enforcement actions during the months January through April 2005.

The Division's Environmental Protection Officers enforce the state's air, waste and water pollution laws and participate on DNREC's Environmental Response Team by responding to environmental emergencies.

The following is a breakdown of the January through April 2005 complaint/enforcement statistics per county:

Total Complaints	1209
New Castle County	707
Kent County	237
Sussex County	265
Total Enforcement Actions:	94
New Castle County	33
Kent County	29
Sussex County	32

DNREC's Environmental Enforcement Officers receive complaints through the toll-free, intrastate 24-hour Environmental Complaint Line: 1-800-662-8802. Verizon Wireless customers can reach the complaint line by calling #DNR on their cell phones.

For further information, contact Chief Kurt Reuther or Capt. William P. (Chip) McDaniel II, DNREC Enforcement, (302) 739-9401.

Coastal Zone Act Permit Granted to DuPont

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued a Coastal Zone Act permit in May to E.I. DuPont De Nemours & Company Inc. to manufacture a new product called IP1 (R948) at its Edge Moor plant located at 104 Hay Road. A public hearing on the company's application was held March 1, 2005.

DuPont's new product is a variant of its existing family of Rutile Paper Slurry products currently produced for the paper, printing and packaging industries. IP1 is produced by mixing a surfactant, citric acid and a defoamer with DuPont's TiO2 product.

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The new manufacturing operations will produce air discharges of about one pound per day of volatile organic compounds (VOCs). These 365 pounds of VOCs per year will be more than offset by the 1.25 tons per year reduction in air emissions that will result from the company's decision to burn natural gas instead of the usual No. 6 fuel oil in an existing ore roaster for 10 days every calendar year and during ozone alert days.

For further information, contact Dennis Brown, (302) 739-9070.

Governor Minner Helps DNREC Launch 'Schoolyard Habitat' Program at Lake Forest High School

Lake Forest High School, Felton, is putting out the welcome mat for birds, butterflies, rabbits, deer and other wildlife while offering students an outdoor classroom that will introduce them to habitat restoration and management techniques that are essential for the future of Delaware's natural resources.

The Kent County school is one of the first in the state to participate in Project Nature Share, a new component of the Department of Natural Resources and Environmental Control's Green Infrastructure Initiative. The schoolyard habitat program provides materials and expertise to encourage the creation of wildlife habitat areas as learning centers in schools throughout the state.

Governor Ruth Ann Minner, Division of Fish and Wildlife Director Pat Emory and Lake Forest teacher Mark Breeding inaugurated the new Schoolyard Habitat program at a tree planting ceremony on the 10-acre site in late April. They were joined by students and project partners, including the Lake Forest School District, U.S. Fish and Wildlife Service, Natural Resource Conservation Service, Kent Conservation District, and the Delaware Department of Agriculture.

"Today's students are the landowners and leaders of tomorrow and they must be prepared to take care of Delaware's natural environment," Governor Minner said. "The Schoolyard Habitat program will help to ensure that Delawareans will always be able to enjoy the sights and sounds that enrich our lives – from frogs singing in the spring to owls hooting on a summer's night."

"People who spend time on the land know the importance of responsible land stewardship," said Emory. "Helping to create and manage wildlife habitat right on their school grounds will provide that opportunity to Delaware's students. We will all benefit from their experiences."

The Lake Forest project is one of four schoolyard habitats currently under construction. The others are at Christ The Teacher School in New Castle, Milford High School and Lulu Ross Elementary School in Milford.

Plans for the Lake Forest project include helping the students create a wetland along a drainage ditch behind the school, and planting warm season grasses, trees and a wildflower meadow. In addition to creating habitat for a variety of species, converting unused turf to natural landscapes will save money on mowing, watering, fertilizer and weed killers.

"As funding becomes available and word of the success of the program spreads, we hope to make some form of Project Nature Share's Schoolyard Habitat program available to every school district in the state," said Emory.

For more information, contact Dawn Failing, (302) 242-0614, or Bill Whitman, (302) 739-9912.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action updates the regulations to include statutory changes that authorize DNREC to establish an inspector license category with inspection protocol for inspecting all septic systems in Delaware, and modifies requirements for the use of a community-sized on-site wastewater system. Contact Jack Hayes, 739-4761. **Effective date – April 11, 2005**

April 21, 2005 – Appeal filed by The Home Builders Association of Delaware with the Environmental Appeals Board.

2003-18: New “Regulation, 45, Anti-Idling Regulation” of the state’s Regulations Governing the Control of Air Pollution. This action regulates the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791. **Effective date – April 11, 2005**

2005-01: Amendments to Tidal Finfish Regulations affecting the 2005 recreational summer flounder fishery and recreational black sea bass fishery. Delaware can maintain the same management measures used in 2004 for the 2005 recreational summer flounder fishery since the harvest cap was not exceeded in 2004. Another amendment to the tidal finfish regulations eliminates any reference to a closed season for recreational black sea bass anglers in 2005, because the coast wide requirements for recreational black sea bass fishermen in 2005 are a 12-inch minimum size length with a 25-fish creel limit and no closed season. Contact Richard Cole, 739-4782. **Effective date – April 11, 2005**

2004-11: Amendment to Regulations Governing Tidal Finfish No. 3553: River Herring Creel Limit. This action establishes a possession limit for river herring at 25 per day unless the possessor has a valid commercial fishing license or a receipt from a commercial fisherman for the river herring. The possession limit was proposed to prevent establishment of a bait fishery for river herring in tidal tributaries. This regulation does not affect normal commercial fishing operations but will impact recreational fishermen who take live river herring as bait for sale. Contact Roy Miller, 739-3441. **Effective date – March 11, 2005**

2004-08: Amendments to Non-tidal Fishing Regulations. This action makes it unlawful for anyone to transport, purchase, possess, stock into public or private waters of the state or sell live northern snakehead fishes without the written permission of the Director of the Division of Fish and Wildlife. Contact Roy Miller, 739-3441. **Effective date – March 11, 2005**

97-11: Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions. This regulation reduces NOx emissions from fossil fuel fired boilers or indirect

heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

April 16, 1999 - Appealed to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil action for a review of the Order in Superior Court for New Castle County.

Regulatory Actions Underway:

2005-08: **Amendments to the Accidental Release Prevention Regulation.** This action reflects amendments to the delegated federal rule 40 CFR Part 68 made by the EPA in January 1999, March 2000 and April 2004, undertaken to prevent accidental releases and mitigate consequences of such releases by focusing on prevention measures for extremely hazardous substances as listed. Contact Jay Brabson, 323-4542

2005-07: **Amendments to Tidal Finfish Regulations affecting winter flounder.** This action would increase the minimum size from 10 inches to 12 inches, establish a possession limit for recreational fishermen of 10 winter flounder per day and establish a 60-day open season per year for recreational fishing for winter flounder. Any open season during March and April must include a 20-day closure period each year for compliance with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder. Contact Roy Miller, 739-9914

2005-06: **Revisions to current Regulations Governing Underground Storage Tank Systems.** This action reflects advances in underground storage tank system technology that have occurred since the last revision of the regulations in 1995 to ensure protection of Delaware's natural resources. The regulations impact owners and operators of underground storage tanks greater than 110 gallons containing a regulated substance with the exception of certain classes of heating fuel underground storage tanks. Contact Jill Hall, 395-2500

2005-05: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Marshyhope Creek, Choptank River, Chester River, and the Pocomoke River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the Marshyhope Creek, Choptank River, Chester River and Pocomoke River. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-04: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the St. Jones River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials, and bacteria that can enter the waters of the St. Jones River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2005-03: **Development and adoption of Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for the Broadkill River, Delaware.** This action will establish a cap (limit) for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of the Broadkill River from point and nonpoint sources. Setting the cap is necessary to improve water quality and help maintain fishable and swimmable waterways for the state's citizens. Contact John Schneider, 739-4590

2004-17: **Amendment to Regulation 25 "Requirements for Preconstruction Review" of Delaware Regulations Governing the Control of Air Pollution.** This action will address the EPA new source review reforms. The Department will evaluate the revised federal requirements; either incorporate, incorporate with changes or not incorporate the new requirements into Regulation 25; and (as required) will ensure that Regulation 25 is overall, at least as stringent as the federal requirements. Contact Gene Pettingill, 323-4542

2004-16: **Total Maximum Daily Loads (TMDLs) for nutrients, oxygen demanding materials, and bacteria for Shellpot and Naamans Creek in Delaware.** This regulation will establish a cap for the amount of nutrients, oxygen demanding materials and bacteria that can enter the waters of Shellpot Creek and Naamans Creek. This action is necessary to improve water quality and help maintain fishable and swimmable waterways for citizens of the state. Contact John Schneider, 739-4590

2004-15: **Amendment to Regulations Governing the Control of Water Pollution.** This action would establish a general permit program for Confined Animal Feeding Operations (CAFOs). DNREC developed the proposed regulations cooperatively with the Department of Agriculture, Delaware Nutrient Management Commission, Natural Resources Conservation Service and the University of Delaware. Contact Peder Hansen, 739-5731

2004-14: **Amendment to Surface Water Quality Standards.** This action will clarify the way in which fecal enterococci determined to be of wildlife origin are considered when implementing water quality standards. Typographical errors in the existing regulation will also be corrected. Contact John Schneider, 739-4590

2004-10: **Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan by completing the mid-course review requirement.** Delaware is required to submit to EPA a plan revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005. The mid-course review will analyze Delaware's ambient air quality and emission data to demonstrate (1) adequate progress in emission control has been made under the 1-hour ozone standard that will be revoked in 2005, and (2) such progress is consistent with attaining the new 8-hour ozone standard in 2010. Contact Frank Gao, 323-4542

2004-09: **Delaware's proposed 2002 Milestone Compliance Demonstration.** This is a required step to attain the 1-hour National Air Quality Standard for ground-level ozone in Kent and New Castle counties. Delaware is required to submit a plan revision for each milestone year (1996, 1999, 2002 and 2005) to demonstrate that the actual emissions of volatile organic compounds and/or oxides

of nitrogen in Kent and New Castle counties to not exceed the required emission targets specified in Delaware's Rate-of-Progress Plans. This action is to conduct a compliance analysis for the milestone year of 2002. Contact Frank Gao, 323-4542

2004-07: Revisions to Regulations Governing Hazardous Substance Cleanup. This action will establish procedures for implementing the Brownfields Development Program, including participation in the new program, presumptive project and investigation procedures and work plans, public notice requirements and risk sharing agreements. Contact James Poling, 395-2636, Paul Will, 3952626 or Alex Rittberg, 395-2642.

2004-05: Amendments to Delaware Regulations Governing Solid Waste. This action would update and enhance various sections of the regulations and help improve understanding and implementation of the solid waste requirements. Contact Karen J'Anthony, 739-3689

2003-24: Development of a new regulation to be added to the Regulations Governing Solid Waste. This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact James Short, 739-3689

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

2003-19: Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation. This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination. This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity. In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with

summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR). This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware's air resources. Contact Gene Pettingill, 323-4542

2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983. This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

2003-03: Re-issuance of the Regulations Governing Storm Water Discharges Associated with Industrial Activities. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories. These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

2002-08: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries. The PCS will cover activities in the entire watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

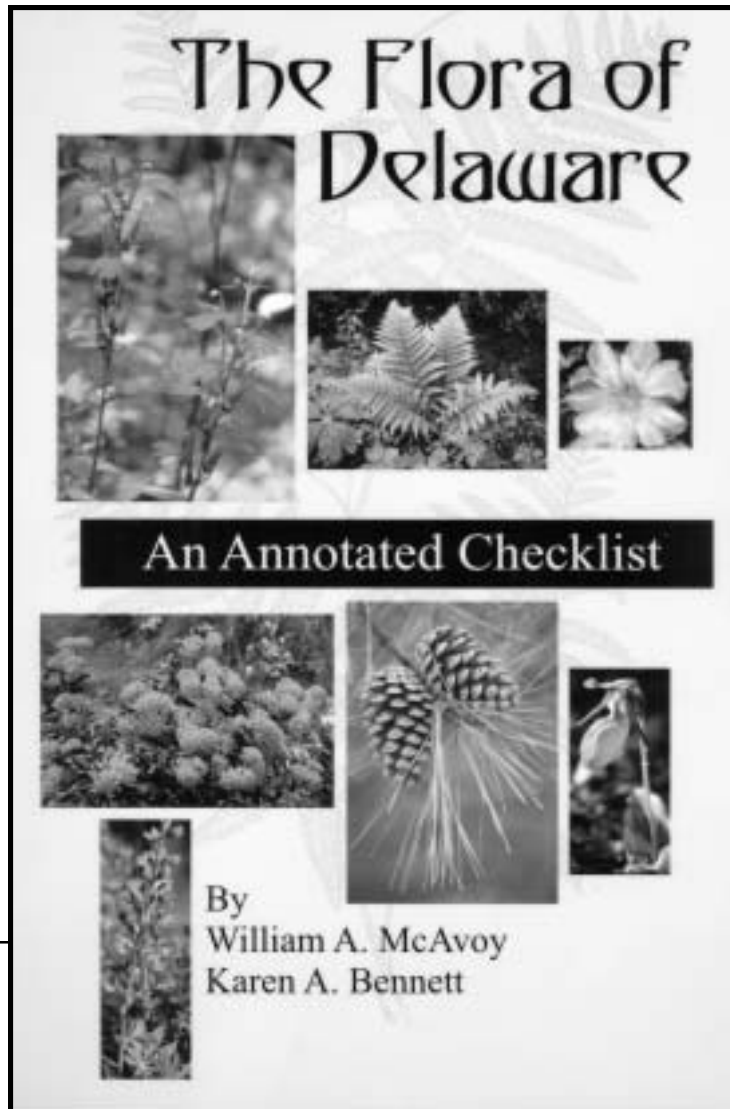
2002-07: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries. The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-06: **Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries.** This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2000-23: **Amendments to Regulation 24, Control of Volatile Organic Compound (VOCs) Emissions.** This action would add a new section to the air pollution control regulations in order to control VOC emissions from lightering operations. Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

Yard Waste Piling Up? Compost it!

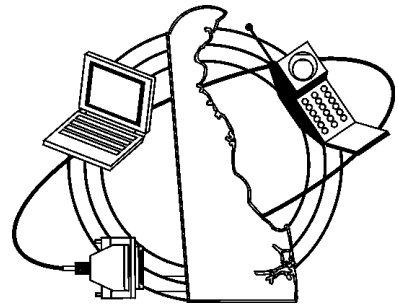
- Select a flat, well-drained spot that gets full sun. Try to build the pile in the middle of the garden.
- Construct a compost bin out of scrap lumber, bricks, concrete blocks, or wire. Make sure the bin has openings to let air penetrate the pile.
- Feed the pile, mixing coarse and fine materials in 6- to 8-inch layers. The bottom layer should contain twigs, chopped cornstalks, or other coarse material. Next, add a layer high in nitrogen such as grass clippings or manure. Top with soil and repeat the process. Sprinkle the pile with water.
- Mix the layers well and shape so the center is lower than the sides to help water flow into the pile. Turn the pile once a month and remoisten the material as you turn it.
- Plant material should decompose into compost within five months in warm weather, longer under cool/dry conditions. Spread compost in the garden and till it under to benefit soil and plants.



The Flora of Delaware is available for \$14 + \$3 shipping. If you are interested in receiving a copy, please call for more information (302-653-2880) or send a check payable to the Delaware Division of Fish and Wildlife to the Delaware Natural Heritage Program, Flora of DE, 4876 Hay Point Landing Road, Smyrna, DE 19977.

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